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OF COUNSEL  
D. Brian Reay, Esq.

September 29, 2016

**VIA HAND DELIVERY**

Hon. Thomas J. Spota  
Suffolk County District Attorney's Office  
William J. Lindsay County Complex, Building 77  
Veterans Memorial Highway  
Hauppauge, New York 11788

**Re: Bindels adv. Rice**  
**Our File No.: 16-144**

Dear Mr. Spota:

I represent Joseph Bindels, his sister Liz Brogan and Smithtown Volkswagen. Mr. Bindels is the President of Smithtown Volkswagen. I am writing to you not only on his behalf, but on behalf of his sister and their business. I am respectfully requesting that your office commence an investigation into what seems to be a clear attempt to coerce, extort and blackmail my client. Based upon the contents of the letter from the offending party's attorney, I believe my client is the victim of coercion and extortion by his former employee. For your reference, I have attached a copy of the purported claim letter from the former employee's attorney. I have not attached copies of the photographs but they are available to you upon request.

The letter from the former employee's attorney is dated September 20, 2016. Mr. Bindels brought this matter to my attention on Friday, September 23, 2016. As you can see, this is not a typical attorney claim letter. First of all, the letter was not addressed to Mr. Bindels' but rather sister Liz, who works at Smithtown Volkswagen. In addition, the letter starts out with interesting language "pretty shocking and disgusting isn't it?" This is not a letter simply intended to place a party on notice of an impending claim. The opening language in the letter would lead one to believe that the photographs discussed in the letter were intentionally placed on top of the correspondence to shock Liz and embarrass Mr. Bindel's. The 3 ½ page letter goes on to discuss her brother's behavior and implies that these photos could jeopardize their franchise.

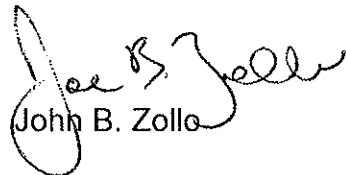
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The complainant worked at Smithtown Volkswagen for less than one year. As you can see on page 3 of the letter the complainant is demanding approximately \$450,000 in order to resolve this matter and save Mr. Bindel's from embarrassment and possible risk of losing the franchise. This action by the former employee smacks of extortion and cries out for your office's action. My clients intend to zealously and vigorously defend this bogus lawsuit. Their defense of the civil claim should not prevent your office from investigating this matter and taking whatever action you deem appropriate. Obviously, my client is quite concerned. He is willing to submit to a polygraph test and will provide whatever information your office needs to fully, fairly and aggressively investigate this claim. The information on my client's computer and cell phone has been professionally preserved by forensic data professionals, observing the chain of custody protocol. My client emphatically denies the allegations and will defend the civil case. Mr. Bindel's states that he never made any sexual advances or sent any such photographs to the complainant.

Based upon the nature of the allegations raised by the former employee, and the complainants desire to obtain a settlement within five days of this office receiving a copy of the letter, I believed it was reasonable, on my part, to request a copy of the email that the former employee alleges was sent in March 2016. The complainant's attorney refused to provide a copy of the email thereby denying me the opportunity to even assess and or evaluate the legitimacy of the claim. The former employee's attorney, in an email response to my request for a copy of the email, stated that if the case cannot be settled he will commence a federal civil suit and file charges against my client and his business by tomorrow, September 30, 2016, by 10 AM.

It is clear that this letter was sent to Mr. Bindels' sister in order to embarrass, humiliate and intimidate Mr. Bindels into settling this case. I am respectfully urging you and your office to investigate this claim and take whatever action you deem necessary to prevent this blackmail and extortion from continuing.

Respectfully submitted,



John B. Zollo

JBZ: db  
Cc: Jozeph Bindels (via e-mail)  
Cc: Liz Brogan (via e-mail)  
Enc.



JOHN B. ZOLLO  
ATTORNEY AT LAW

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OF COUNSEL  
D. Brian Reay, Esq.

October 5, 2016

**VIA HAND DELIVERY**

Hon. Thomas J. Spota  
Suffolk County District Attorney's Office  
William J. Lindsay County Complex, Building 77  
Veterans Memorial Highway  
Hauppauge, New York 11788

Re: **Bindels adv. Rice**  
**Our File No.: 16-144**

Dear Mr. Spota:

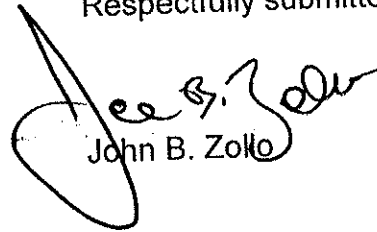
I had previously written to you on September 29, 2016. At that time I enclosed a letter received from the attorney for my clients' former employee, Wayne Rice. While I am of the opinion that the letter, in and of itself is actionable and prosecutable as extortion, coercion and blackmail, the additional information I have received over the past several days makes it a certainty. Since hand delivering my letter with attachments to you I have received additional information regarding the allegations made by Rice. It appears that Rice obtained my client's photographs sometime in February 2016. In fact, at least one person saw Rice go into my client's computer to access the photographs. Rice shared the photographs with other employees at my client's place of business. Clearly, the actions of Rice are inconsistent with the allegations in his attorney's letter stating that Mr. Bindels sent the photographs, by email, to Rice sometime in March 2016.

I have enclosed three (3) separate emails that were sent from an employee to my client warning him of Rice's actions. My client never received the emails because he does not use this email address. He just recently opened the emails after speaking with his General Manager and being told of their existence. The General Manager, David Hovell, is ready and willing to speak with your office concerning the claims made by Rice. In addition, there are several witnesses who can corroborate the fact that Rice accessed my client's computer and took the photos without my client's knowledge or permission. The actions of Rice were premeditated, calculated and planned to cause humiliation, embarrassment and financial harm to my client, his sister and their business.

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Counsel for Rice has informed me via email that his client, on September 29, 2016, filed a complaint against Mr. Bindels with the EEOC alleging sexual harassment and retaliation. This person must be stopped. I trust you understand and appreciate the urgency with which this case must be investigated. I thank you in advance for your attention to this matter.

Respectfully submitted,



John B. Zollo

JBZ: db  
cc: Jozeph Bindels (via e-mail)  
cc: Liz Brogan (via e-mail)  
Enc.